



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/882,368

06/15/2001

Amir Aliabadi

70655.7900

6711

20322 7590 04/02/2007  
SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX, AZ 85004-2202

EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
----------------------------------------	-----------	---------------

3 MONTHS

04/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/882,368

Applicant(s)

ALIABADI ET AL.

Examiner

Matthew S. Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-13,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-13 and 16-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2006 has been entered.

### ***Prosecution History Summary***

Claims 2, 5 and 14-15 have been canceled.

Claims 1, 3-4, 6-13 and 16-17 are pending in the instant application.

### ***Response to Amendment***

The rejection of claims 1, 3-4, 6-13 and 16-17 under 35 U.S.C. 112, first paragraph is vacated in view of the amendment submitted on 12/11/2006.

Art Unit: 3625

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-4, 6-13 and 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "determining a source of said product feed, wherein said source is at least one of suppliers and said providers." However in the previous retrieving step, the claim explicitly teaches that the product feed originates from said providers only.

Art Unit: 3625

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3-4, 6-13 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (U.S. Patent No. 6,895,388).**

Referring to claim 1. Smith discloses a computer-implemented method for collecting product data to facilitate at least one of searching, viewing and purchasing of products at a single shopping website, comprising:

- Retrieving, by a host computer, a product feed from a plurality of websites associated with providers (Smith: column 7, lines 1-20),
- Determining a source of said product feed, wherein said source is at least one of suppliers and said providers (Smith: column 7, lines 1-20),
- Extracting image data (Smith: column 14, lines 10-24) from said product feed when said source is said supplier (Smith: column 7, lines 29-32);
- Retrieving image data (Smith: column 14, lines 10-24) from a website of said provider when said source is said provider (Smith: column 7, lines 32-39);

Art Unit: 3625

- Creating a normalized data feed from said product data (Smith: column 13, line 53 to column 14, line 10);
- Parsing said normalized data feed and said image data into categorized data elements to determine when a category exists in a product table which corresponds to a categorized data element, wherein said categorized data element is added to a buffer table when said category does not exist and said categorized data element is integrated with stored product data within said product table when said category exists to create integrated data (Smith: column 13, line 53 to column 14, line 10); and
- Providing said integrated data to said user such that said user may utilize a single shopping website to search for, compare prices and order said products, wherein said products are associated with said stored product data from a plurality of websites, wherein each of said plurality of websites may be associated with a different provider (Smith: column 14, lines 24-41).

Smith does not expressly disclose retrieving, by a host computer, product data from a plurality of websites associated with a plurality of at least of affiliated and non-affiliated providers. The Examiner notes, this difference is only found in the nonfunctional descriptive material and does not alter how the retrieving step is to be performed to achieve the utility of the invention. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of

Art Unit: 3625

patentability, see *In re Gulack*, 703 F. 2d, 1381, 217 USPQ 401, 404 (Fed. Cir. 1983).

Referring to claim 3. Smith further discloses a method wherein said parsing comprises matching product producer names and product producer product identifiers from said categorized data elements to product producer names and product producer identifiers from said stored product data (Smith: column 14, lines 24-41).

Referring to claim 4. Smith further discloses a method wherein said parsing comprises matching product SKUs from said categorized data elements to product SKUs in said stored product data (Smith: column 35, lines 33-46).

Referring to claim 6. Smith further discloses a method wherein said providers comprise at least one of merchants and canonical suppliers (Smith: Fig. 2).

The Examiner notes, the type of supplier does not contribute structurally to the claimed device since the type of supplier is not related to how the method is being performed. The type of supplier can be categorized as non-functional descriptive language and is given little patentable weight.

Art Unit: 3625

Referring to claim 7. Smith further discloses a method comprising indexing said stored product data and forwarding said indexed stored product data to at least one searchable database (Smith: column 14, lines 24-41).

Referring to claim 8. Smith further discloses a method wherein said at least one searchable database has at least one mirrored database (Smith: column 14, lines 24-41, "cache").

Referring to claim 9. Smith further discloses a method wherein said indexed stored product data comprises index meta-data and indexed data (Smith: column 9, line 58 to column 10, line 5).

Referring to claim 10. Smith further discloses a method wherein said at least one searchable database is load balanced with at least one mirrored database (Smith: column 9, line 58 to column 10, line 5).

Referring to claim 11. Smith further discloses a method comprising updating at least one priced products database with said stored product data (Smith: column 9, line 58 to column 10, line 5).

Referring to claim 12. Smith further discloses a method comprising examining said buffer and determining that at least one entry in said buffer



Art Unit: 3625

contains product data which may be entered with said stored product data

(Smith: at least claim 5).

Referring to claim 13. Smith further discloses a method comprising categorizing said at least one entry (Smith: column 14, lines 24-41).

Referring to claim 16. The method further comprising

- Parsing said product feed according to data types to determine, by said host computer, whether a second portion of said product feed may not be added to said stored product data within said database (Smith: column 14, lines 24-41); and
- Adding said second portion to a buffer (Smith: column 14, lines 24-41).

Referring to claim 17. The method wherein one of said data types includes at least one of product description, price, merchant information, manufacturer information, and image (Smith: column 9, line 58 to column 10, line 5).

Art Unit: 3625

***Response to Arguments***

Applicant's arguments with respect to the pending claims are moot in view of the new grounds of rejection.

Art Unit: 3625

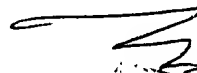
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG  
Primary Examiner  
March 28, 2007

  
MATTHEW S. GART  
PRIMARY EXAMINER  
TECHNOLOGY CENTER